

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

NEW ENGLAND CARPENTERS HEALTH  
BENEFITS FUND; PIRELLI ARMSTRONG  
RETIREE MEDICAL BENEFITS TRUST;  
TEAMSTERS HEALTH & WELFARE FUND  
OF PHILADELPHIA AND VICINITY;  
PHILADELPHIA FEDERATION OF  
TEACHERS HEALTH AND WELFARE FUND;  
DISTRICT COUNCIL 37, AFSCME -  
HEALTH & SECURITY PLAN; JUNE SWAN;  
BERNARD GORTER; SHELLY CAMPBELL  
and CONSTANCE JORDAN,

Plaintiffs,

v.

FIRST DATABANK, INC., a Missouri  
corporation, and McKESSON CORPORATION,  
a Delaware corporation,

Defendants.

Civil Action: 1:05-CV-11148-PBS

Judge Patti B. Saris

**ERRATA TO DECLARATION OF ROBERT D. WILLIG IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR CERTIFICATION OF THE U&C CLASS**

Paragraph 59, Line 7 (excerpted) currently reads:

U&C/AWP ratio remains at 1.05. Now suppose in the next period both AWP and WAC

Paragraph 59, Line 7 (excerpted) should read:

U&C/AWP ratio remains at 1.04. Now suppose in the next period both AWP and WAC

Paragraph 73 (excerpted) currently reads:

Dr. Hartman points to the GAO report as evidence that U&C prices and AWP are “formulaically” related because that report found that in the first quarter of 2000 U&C prices were, on average, 94 percent of AWP and in the fourth quarter of 2004 U&C prices were, on average, only 91 percent of AWP. [fn 46: Hartman U&C Declaration, at ¶¶2, 18. The GAO data indicate U&C prices on average less than AWP, which likely results from the GAO’s inclusion of generic drugs in the sample.] Dr. Hartman suggests that this is evidence of the formulaic relationship between U&C prices and AWP. This conclusion, however, does not follow from the evidence. In fact, this finding suggests that AWP rose faster from 2000 to 2004 than U&C prices.

Paragraph 73 (excerpted) should read:

Dr. Hartman points to the GAO report as evidence that U&C prices and AWP are “formulaically” related because that report found that in the first quarter of 2000 AWP was, on average, 91 percent of U&C prices and in the fourth quarter of 2004 AWP was, on average, only 94 percent of U&C prices. [fn 46: Hartman U&C Declaration, at ¶¶2, 18.] Dr. Hartman suggests that this is evidence of the formulaic relationship between U&C prices and AWP. This conclusion, however, does not follow from the evidence. In fact, this finding suggests that AWP rose faster from 2000 to 2004 than U&C prices.

Paragraph 74 (excerpted) currently reads:

To see this, consider the following example. Suppose the U&C price for a particular drug is 94 percent of AWP in 2000 (*i.e.*, U&C price is \$94 and AWP is \$100). Further suppose that AWP increased by 4.2 percent during the period without a change in WAC or the U&C price. Then AWP would be \$104.20 and U&C price would be approximately 90 percent of the new AWP. Notice that this is very close to the result found in the GAO report – U&C prices were 91 percent of AWP in 2004.

Paragraph 74 (excerpted) should read:

To see this, consider the following example. Suppose the AWP for a particular drug is 91 percent of U&C price in 2000 (*i.e.*, AWP is \$91 and U&C price is \$100). Further suppose that AWP increased by 4.2 percent during the period without a change in WAC or the U&C price. Then AWP would be \$94.82 or approximately 95 percent of U&C prices. Notice that this is very close to the result found in the GAO report – AWP was 94 percent of U&C prices in 2004.

Respectfully submitted,

McKesson Corporation

By its attorneys:

/s/ Lori A. Schechter

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Dated: June 2, 2008

### **CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party through the Court's electronic filing service on June 2, 2008.

/s/ Lori A. Schechter

Lori A. Schechter